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*Attorneys for Plaintiff and the Proposed Class*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LOWELL PARKER, an individual on behalf  
 of himself and all others similarly situated,

Plaintiff,

v.

METROMILE, INC.,

Defendant.

Case No.: 4:21-cv-07676-JSW

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO STAY DEADLINES AND  
 TO VACATE THE HEARING ON  
 DEFENDANT'S MOTION TO  
 DISMISS AND THE INITIAL CASE  
 MANAGEMENT CONFERENCE IN  
 LIGHT OF UPCOMING  
 MEDIATION**

STIPULATION AND ~~PROPOSED~~ ORDER STAYING  
 DEADLINES AND VACATING HEARINGS  
 No. 4:21-cv-07676-JSW

Plaintiff Lowell Parker (“Plaintiff”) and Defendant Metromile, Inc. (“Defendant”) (collectively “the Parties”), by and through their respective counsel, hereby respectfully submit this Stipulation and [Proposed] Order to stay current deadlines and vacate hearings for a short period of time in light of a mediation scheduled for April 4, 2022.

WHEREAS, Plaintiff filed his Class Action Complaint in the above-entitled action on September 30, 2021 (ECF No. 1; Declaration of M. Anderson Berry (“Berry Decl.”), ¶ 3);

WHEREAS, on January 13, 2022, Plaintiff filed an Amended Complaint (ECF No. 23; Berry Decl., ¶ 4);

WHEREAS, Defendant filed a Motion to Dismiss Plaintiff’s Amended Complaint on February 3, 2022 (ECF No. 25; Berry Decl., ¶ 5);

WHEREAS, Plaintiff’s deadline to file his Opposition to the Motion to Dismiss is currently February 24, 2022 (Berry Decl., ¶ 6);

WHEREAS, Defendant’s deadline to file its Reply is currently March 17, 2022 (Berry Decl., ¶ 7);

WHEREAS, the hearing on Defendant’s Motion to Dismiss is currently scheduled for April 15, 2022 at 9:00 a.m. (Berry Decl., ¶ 8);

WHEREAS, the initial Case Management Conference (“CMC”) is currently scheduled for April 15, 2022 at 11:00 a.m. (*id.*, ¶ 9);

WHEREAS, the Parties have met and conferred regarding potential early resolution and have scheduled a mediation for April 4, 2022 with Jill R. Sperber, Esq. of Judicate West (*id.*, ¶ 10);

WHEREAS, between the availability of the parties, their counsel, and Ms. Sperber, April 4, 2022 is the first reasonably available date for the mediation (*id.*, ¶ 11);

WHEREAS, to conserve the resources of the Parties and the Court, the Parties submit that the existing deadlines should be stayed until after the Parties’ upcoming mediation (*id.*, ¶ 12);

WHEREAS, this stipulation is made without prejudice to any party, in good faith, and not

for purposes of delay;

**THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that, subject to Court approval, the deadlines for Plaintiff's Opposition to Defendant's Motion to Dismiss and Defendant's Reply shall be stayed, and the hearing on Defendant's Motion to Dismiss and the initial CMC shall be taken off calendar. The Parties shall jointly report to the Court by April 28, 2022, as to the outcome of the mediation and recommend a schedule for either the filing of a motion for preliminary approval of a settlement or for further briefing and hearing on Defendant's Motion to Dismiss and the initial CMC.

**IT IS SO STIPULATED.**

Date: February 15, 2022

Respectfully Submitted,

**CLAYEO C. ARNOLD,  
A PROFESSIONAL LAW CORP.**

By: /s/ M. Anderson Berry

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[Additional counsel on following page.]

**COOLEY LLP**

DATED: February 15, 2022

By: /s/ Benjamin H. Kleine  
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*Attorneys for Defendant Metromile, Inc.*

**ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)**

Pursuant to Civ. L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: February 15, 2022

/s/ M. Anderson Berry

M. ANDERSON BERRY

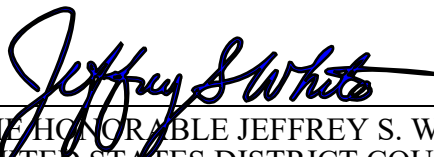
~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, THE COURT  
ORDERS AS FOLLOWS:

The deadlines for Plaintiff's Opposition to Defendant's Motion to Dismiss and Defendant's Reply shall be stayed, and the hearing on Defendant's Motion to Dismiss and the initial CMC shall be taken off calendar. The Parties shall jointly report to the Court by April 28, 2022, as to the outcome of the mediation and recommend a schedule for either the filing of a motion for preliminary approval of a settlement or for further briefing and hearing on Defendant's Motion to Dismiss and the initial CMC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 16, 2022

  
\_\_\_\_\_  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE

STIPULATION AND ~~[Proposed]~~ ORDER STAYING  
DEADLINES AND VACATING HEARINGS  
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